

H. R. 9429

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Chief, Medical

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Union Calendar No. 631

84TH CONGRESS
2D SESSION

H. R. 9429

[Report No. 1805]

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 1956

Mr. KILDAY introduced the following bill; which was referred to the Committee on Armed Services

FEBRUARY 22, 1956

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To provide medical care for dependents of members of the uniformed services, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 TITLE I

4 SEC. 101. The Congress declares it to be the purpose of
5 this Act to provide an improved and uniform program of
6 medical care for dependents of members of the uniformed
7 services. The Congress believes that it is sound public policy
8 to provide such an improved and uniform program of medical
9 care as an important factor in the creation and maintenance
10 of high morale throughout the uniformed services because it

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1 assures such personnel at home and overseas that the medical
2 care of their dependents is being provided.

3 SEC. 102. As used in this Act—

4 (a) The term “uniformed services” means the Army,
5 the Navy, the Air Force, the Marine Corps, the Coast
6 Guard, the Coast and Geodetic Survey, and the Commiss-
7 sioned Corps of the Public Health Service.

8 (b) The term “member of a uniformed service” means
9 a person appointed, enlisted, inducted or called, ordered or
10 conscripted in a uniformed service who has entered on active
11 duty or active duty for training for a period in excess of
12 thirty days.

13 (c) The term “retired member of a uniformed service”
14 means a member or former member of a uniformed service
15 who is entitled to retired, retirement, or retainer pay or
16 equivalent pay as a result of service in a uniformed service,
17 other than a member or former member entitled to retired
18 or retirement pay under title III of the Army and Air Force
19 Vitalization and Retirement Equalization Act of 1948.

20 (d) The term “dependent” means—

21 (1) in the case of any male member or retired
22 member of a uniformed service—

23 (A) his ~~unlawful~~ lawful wife;

24 (B) his unmarried legitimate children under
25 twenty-one years of age, or such unmarried de-

1 pendent children over twenty-one years of age who
2 are incapable of self-support because of being men-
3 tally or physically incapacitated and who are in
4 fact dependent on the member for over half of their
5 support, and his dependent children over twenty-
6 one years of age duly enrolled in a full-time course
7 of study in an institution of higher learning as
8 approved by the Secretary of Defense. The term
9 "children" shall, in addition to the member's own
10 or lawfully adopted children, include stepchildren;

11 (C) his parents and parents-in-law if in fact
12 dependent on him for over half of their support;

13 (D) his unremarried widow, and his children
14 as defined in (B) ; and

15 (2) in the case of any female member or retired
16 member of a uniformed service—

17 (A) her lawful husband, if in fact dependent
18 on her for over half of his support;

19 (B) her unmarried legitimate children under
20 twenty-one years of age or such unmarried depend-
21 ent children over twenty-one years of age who are
22 incapable of self-support because of being mentally
23 or physically incapacitated and who are in fact
24 dependent on the member for over half of their
25 support, and her dependent children over twenty-

1 one years of age duly enrolled in a full-time course
2 of study in an institution of higher learning as ap-
3 proved by the Secretary of Defense. The term
4 "children" shall in addition to the member's own or
5 lawfully adopted children include stepchildren;

6 (C) her parents and parents-in-law if in fact
7 dependent on her for over half of their support;

8 (D) her unremarried widower if at the time of
9 the member's death he was in fact dependent on her
10 for over half of his support, and her children as
11 defined in (B).

12 (e) The term "Secretary of Defense" is applicable to
13 the Army, Navy, Air Force, Marine Corps, and the Coast
14 Guard when operating as a service with the Navy.

15 (f) The term "Secretary of Health, Education, and
16 Welfare" is applicable to the Coast Guard when not serving
17 with the Navy, the Coast and Geodetic Survey, and the
18 Public Health Service.

19 SEC. 103. (a) Whenever requested, medical care shall
20 be given dependents of members and dependents of retired
21 members of a uniformed service in medical facilities of the
22 uniformed services subject to the availability of space, facili-
23 ties, and the capabilities of the medical staff, and any deter-
24 mination made by the cognizant medical authority as to

1 availability of space, facilities, and the capabilities of the
2 medical staff, shall be conclusive. The medical care of such
3 dependents provided for in medical facilities of the uniformed
4 services shall in no way interfere with the primary mission
5 of those facilities.

6 (b) In order to provide more effective utilization of
7 medical facilities of the uniformed services the Secretary of
8 Defense and the Secretary of Health, Education, and Wel-
9 fare shall jointly prescribe regulations to insure that de-
10 pendents entitled to medical care in a medical facility of a
11 uniformed service under the provisions of this Act shall not
12 be denied equal opportunity for medical care because of the
13 service affiliation of the service member.

14 (c) The Secretary of Defense, after consultation with
15 the Secretary of Health, Education, and Welfare, shall
16 establish charges for any subsistence given dependents in
17 connection with medical care in the facilities of the uniformed
18 services, which charges shall be the same for all dependents
19 of members and dependents of retired members of the uni-
20 formed services.

21 (d) As a restraint on excessive demands for medical
22 care under this section, uniform minimal charges may
23 be imposed for outpatient care but such charges shall be
24 limited to such amounts, if any, as may be established by

1 the Secretary of Defense after consultation with the Secretary
2 of Health, Education, and Welfare, under a special finding
3 that such charges are necessary.

4 (c) Any amounts that are received in payment for sub-
5 sistence and medical care rendered dependents in facilities
6 of the uniformed services shall be deposited to the credit of
7 the appropriation supporting the maintenance and operation
8 of the facilities furnishing the care.

9 (f) Medical care under this section shall be limited to
10 the following:

11 (1) Diagnosis;
12 (2) Treatment of acute medical and surgical conditions;
13 (3) Treatment of contagious diseases;
14 (4) Immunization; and
15 (5) Maternity and infant care.

16 (g) Hospitalization under this section is not authorized
17 dependents for the following, except as the Secretary of
18 Defense after consultation with the Secretary of Health, Edu-
19 cation, and Welfare may by regulation provide—

20 (1) domiciliary care and chronic diseases;
21 (2) nervous and mental disorders (except for diag-
22 nostic purposes); and
23 (3) elective medical and surgical treatments as de-
24 termined by the cognizant physician.

25 (h) Dependents shall not be provided under this section—

1 (1) prosthetic devices, hearing aids, orthopedic foot-
2 wear, and spectacles, except that outside the continental
3 limits of the United States and at remote stations within
4 the continental limits of the United States where adequate
5 civilian facilities are not available, those items, if avail-
6 able from Government stocks, may be provided to de-
7 pendents at prices representing full cost to the Govern-
8 ment;

9 (2) ambulance service, except in acute emergency;
10 (3) home calls, except in special cases where it is
11 determined by the cognizant physician to be medically
12 necessary;

13 (4) dental care, except—

14 (A) emergency care to relieve pain and suffer-
15 ing but not to include any permanent restorative
16 work or dental prosthesis;

17 (B) care as a necessary adjunct to medical or
18 surgical treatment; and

19 (C) outside the continental limits of the United
20 States and in remote areas within the continental
21 limits of the United States where adequate civilian
22 dental facilities are not available.

23 TITLE II

24 SEC. 201. (a) In order to assure the availability of med-
25 ical care for the wives and children of all members of the

1 uniformed services, the Secretary of Defense, after consulta-
2 tion with the Secretary of Health, Education, and Welfare,
3 shall contract for medical care for such persons, pursuant to
4 the provisions of this title, under such insurance, medical
5 service, or health plan or plans as he deems appropriate,
6 which plan or plans shall include, but shall not be restricted
7 to, the following:

8 (1) Hospitalization in semiprivate accommodations up
9 to three hundred and sixty-five days for each admission, in-
10 cluding all necessary services and supplies furnished by the
11 hospital during inpatient confinement;

12 (2) Medical and surgical care incident to a period of
13 hospitalization;

14 (3) Complete obstetrical and maternity service, includ-
15 ing prenatal and postnatal care;

16 (4) Required services of a physician or surgeon prior
17 to and following hospitalization for a bodily injury or for
18 a surgical operation;

19 (5) Diagnostic tests and procedures, including labora-
20 tory and X-ray examinations, accomplished or recommended
21 by a physician incident to hospitalization;

22 (6) Payment by the patient of the first \$25 of hospital
23 expenses incurred under paragraph (1) of this subsection
24 for each admission.

25 (b) Subsection (a) shall be subject to such reasonable

1 limitations, additions, exclusions, definitions, and related pro-
2 visions as may be provided in such insurance, medical service,
3 or health plan or plans, approved by the Secretary of
4 Defense after consultation with the Secretary of Health,
5 Education, and Welfare.

6 (c) The dependents covered under this section may elect
7 to receive medical care under the terms of this Act in either
8 the facilities of a uniformed service under the conditions
9 specified in title I of this Act or in the facilities provided
10 for under such insurance, medical service, or health plan or
11 plans, as may be provided, except that the right to such elec-
12 tion may be limited under regulations prescribed by the Sec-
13 retary of Defense, after consultation with the Secretary of
14 Health, Education, and Welfare, for such dependents resid-
15 ing in areas where the member concerned is assigned to a
16 post or installation of a uniformed service where adequate
17 medical facilities of a uniformed service are available for
18 such dependents.

19 SEC. 202. In order to improve the availability of medi-
20 cal care for retired members of a uniformed service, and
21 their dependents, and dependents of members not included in
22 section 201, the Secretary of Defense after consultation with
23 the Secretary of Health, Education, and Welfare, may, as
24 he deems appropriate, contract for an insurance, medical
25 service, or health plan or plans which will provide medical

1 care for these retired members and dependents. The extent
2 of the medical care to be provided under such plan or plans
3 and the retired members and dependents to be included will
4 be as prescribed by regulations of the Secretary of Defense
5 as approved by the President which regulations shall pre-
6 scribe the payment to be made by the dependent or retired
7 member, which payment shall not be less than the payment
8 required of dependents under section 201.

9 SEC. 203. In order to improve the availability of medi-
10 cal care to dependents of members of the uniformed services
11 located outside the continental limits of the United States
12 where medical facilities of the uniformed services are not
13 available, the Secretary of Defense or the Secretary of Health,
14 Education, and Welfare, as appropriate, may contract for
15 medical care for such dependents with acceptable local medi-
16 cal sources, or the Secretary of Defense after consultation with
17 the Secretary of Health, Education, and Welfare may con-
18 tract for medical care for these dependents under such insur-
19 ance, medical service, or health plan or plans as he deems
20 appropriate.

21 SEC. 204. Any insurance, medical service, or health plan
22 or plans which may be entered into by the Secretary of
23 Defense with respect to medical care under the provisions
24 of this Act shall contain a provision for a review, and, if
25 necessary, an adjustment of payments by the Secretary

1 of Defense or Secretary of Health, Education, and Welfare
2 not later than one hundred and twenty days after the first
3 year the plan or plans have been in effect and each year
4 thereafter.

5 SEC. 205. In order to effectuate the purposes of this title,
6 the Secretary of Defense is authorized to establish insurance,
7 medical service, and health plan advisory committees to
8 advise, consult, and make recommendations to the Secretary
9 of Defense, provided that the Secretary issues regulations
10 setting forth the scope, procedures, and activities of such com-
11 mittees. These committees shall consist of the Secretary of
12 Defense or his designee, who shall be chairman, and such
13 other persons as the Secretary may appoint. Their mem-
14 bers shall be, to the extent possible, representative of insur-
15 ance, medical service, and health plan or plans, and shall
16 serve without compensation but may be allowed transporta-
17 tion and per diem in lieu of subsistence and other expenses.

TITLE III

19 SEC. 301. Under regulations prescribed jointly by the
20 Secretaries of Defense and Health, Education, and Welfare:
21 (1) Members of the uniformed services on active duty or
22 active duty for training shall be furnished medical and dental
23 care in any medical facility of the uniformed services. (2)
24 Retired members of a uniformed service may be furnished
25 required medical and dental care in any medical facility of

1 a uniformed service, if requested, subject to the availability
2 of space and facilities and capabilities of the medical staff,
3 except that a retired member who has completed not less
4 than thirty years of active service shall, upon request, be
5 furnished required medical and dental care in a medical
6 facility of a uniformed service subject only to availability
7 of space, facilities, and capabilities of the medical staff; (3)
8 When a member or retired member of a uniformed service
9 receives medical or dental care in a facility of another uni-
10 formed service, the appropriation supporting the mainte-
11 nance and operation of the medical facility furnishing the
12 medical or dental care shall be reimbursed at rates to be
13 established by the Secretary of Defense after consultation
14 with the Secretary of Health, Education, and Welfare.

15 SEC. 302. Retired enlisted men of the Army and Air
16 Force when hospitalized in a Federal hospital shall receive
17 the ration allowance prescribed by law for enlisted men of
18 the Regular Army and Air Force when so hospitalized.

19 SEC. 303. Where a dependent, or retired member as de-
20 fined in this Act, who is covered under an insurance, medical
21 service, or health plan or plans, as provided in this Act,
22 requires hospitalization beyond the period of time provided
23 under such plan or plans, such dependent or retired member
24 may be transferred to a medical facility of a uniformed service
25 for the continuation of the necessary hospitalization. Where

1 movement to such medical facility is not feasible, the ex-
2 penses for the additional hospitalization required by such
3 dependent or retired member in a civilian facility are author-
4 ized to be paid, subject to such regulations as the Secretary
5 of Defense after consultation with the Secretary of Health,
6 Education, and Welfare, may prescribe.

7 SEC. 304. There are hereby authorized to be appro-
8 priated such sums as may be necessary to carry out the
9 provisions of this Act.

10 SEC. 305. (a) The following laws and parts of laws
11 are hereby repealed:

12 (1) So much of the Act of July 5, 1884 (ch. 217, 23
13 Stat. 107), as is contained in the proviso under the head-
14 ing "Medical Departments".

15 (2) The Act of May 10, 1943 (ch. 95, 57 Stat. 80),
16 except section 4 of such Act, and except that part of
17 section 5 which relates to persons outside the Naval Service
18 mentioned in section 4 of such Act.

19 (3) Section 326 (b) of the Public Health Service Act,
20 except as it relates to dependent members of families of ships'
21 officers and members of crews of vessels of the Coast and
22 Geodetic Survey.

23 (4) Section 710 (a) of the Act of July 1, 1944 (ch.
24 373, 58 Stat. 714), as amended.

25 (5) Public Law 108, approved June 20, 1949, to the

1 extent it authorizes hospital benefits for dependents of mem-
2 bers of the reserve components of the Armed Forces.

3 (b) All laws and parts of laws to the extent that they
4 are inconsistent with the provisions of this Act are hereby
5 repealed.

6 SEC. 306. This Act shall become effective one hundred
7 and twenty days from the date of approval of this Act.

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By Mr. KILDAY

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